

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL D. HARRISON,

Plaintiff,

v.

JOHNWILLY OSUJI, et al.

Defendants.

No. 1:23-cv-01413-KES-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR REFUND OF FILING FEE

(ECF No. 15)

Plaintiff is proceeding pro se and in this action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the instant action on September 27, 2023, and paid the filing fee in full on November 15, 2023.

On November 21, 2023, the Court issued Findings and Recommendations recommending that the action be dismissed for failure to state a cognizable claim for relief. (ECF No. 11.) Plaintiff filed objections on December 4, 2023. (ECF No. 13.) The Findings and Recommendations are pending review by the District Judge.

Currently before the Court is Plaintiff's motion for a refund of the filing fee, filed April 4, 2024. (ECF No. 15.)

"Filing fees are part of the costs of litigation," and prisoner cases are no exception. Slaughter v. Carey, No. CIVS030851MCEDADP, 2007 WL 1865501, at *1 (E.D. Cal. 2007) (quoting Lucien v. DeTella, 141 F.3d 773, 775 (7th Cir. 1998)). Filing fees for initiating a lawsuit

1 in district court are authorized by 28 U.S.C. § 1914. Duclairon v. LGBTQ Cmty. & Grace Cmty.
2 Church Klan, No. 3:18-CV-01095-AC, 2018 WL 5085754, at *1 (D. Or. Oct. 17, 2018); Green v.
3 Bank of America, No. 2:12-cv-02093-GED-CKD PS, 2012 WL 5032414, at *1 (E.D. Cal. Oct.
4 17, 2012) (denying refund of filing fee after pro se plaintiff voluntarily dismissed complaint under
5 Rule 41 (a)). The Prison Litigation Reform Act has no provision for return of fees that are
6 partially paid or for cancellation of the remaining fee. Slaughter, 2007 WL 1865501, at 1 (citing
7 see Goins v. Decaro, 241 F.3d 260, 261-62 (2d Cir. 2001) (inmates who proceeded pro se and in
8 forma pauperis were not entitled to refund of appellate fees or to cancellation of indebtedness for
9 unpaid appellate fees after they withdrew their appeals)). In fact, “[a] congressional objective in
10 enacting the PLRA was to ‘mak[e] all prisoners seeking to bring lawsuits or appeals feel the
11 deterrent effect created by liability for filing fees.’ ” Goins, 241 F.3d at 261. Thus, the filing fee
12 is owed upon initiation of an action, and the obligation to pay the filing fee is not predicated upon
13 the guarantee of some particular outcome within a particular time frame. Plaintiff filed this action,
14 triggering the obligation to pay a filing fee, and Plaintiff’s obligation to pay the filing fee cannot
15 be discharged because it did not proceed as he may have envisioned. Accordingly, Plaintiff’s
16 motion to refund the filing fee paid for this action is DENIED.

17
18 IT IS SO ORDERED.

19 Dated: April 5, 2024


UNITED STATES MAGISTRATE JUDGE